

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,)	
Plaintiff,)	
v.)	Case No. 22-CR-115-JFH-2
)	
DONNIE PEARSON,)	
Defendant.)	

**UNOPPOSED MOTION FOR EXTENSION OF
TIME TO FILE SENTENCING MEMORANDUM**

Defendant, Donnie Pearson, applies for an extension from February 23 to February 26, 2024, by which to file his sentencing memo. This motion is unopposed. In support, the Court is shown:

1. The final PSR was issued on February 5, 2024.
2. The Speedy Trial Act is not impacted because the Defendant has pled guilty and waived speedy trial by virtue of his guilty plea.
3. Per Dkt. #205, the Sentencing Memorandum is due February 23, 2024. There is no request for a variance in this matter, as variance and departure rights were waived pursuant to the plea agreement. Absent an extension, the sentencing memorandum would be due today, February 23, 2024.
4. No previous extension of this deadline has been requested.
5. Because of other matters pending in state and federal court this week, specifically three sentencings and one contested preliminary hearing, defense counsel still needs to complete the research necessary to complete the Sentencing Memo. Additionally,

undersigned counsel's immediate and extended family members are battling a bout of COVID and flu.

6. "[S]entencing is a critical stage of the criminal proceeding at which he is entitled to the effective assistance of counsel." *Gardner v. Florida*, 430 U.S. 349, 358 (1977); *United States v. Youngpeter*, 145 F.3d 1347 (10th Cir. 1998). The Sixth Amendment right to effective counsel at sentencing was the key factor litigated in *Strickland v. Washington*, 466 U.S. 668, 669, 104 S. Ct. 2052, 2055, 80 L. Ed. 2d 674 (1984).

7. The defendant will not have constitutionally effective counsel if this motion is denied.

8. The delay resulting from the requested extension of one business day will not impact the Speedy Trial Act because the Defendant pled guilty. *Supra*.

9. Defense counsel consulted with AUSA David Nasar concerning the extension of one business day. The United States has no objection.

10. The sentencing hearing is scheduled for May 29, 2024.

A proposed order will be submitted contemporaneously with this motion.

PRAYER

WHEREFORE, Defendant Donnie Pearson, through counsel, requests a one business day extension of the time by which to file the Sentencing Memorandum — extending the date from February 23 to February 26, 2024.

Respectfully submitted,

s/ Clint James

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CERTIFICATE OF SERVICE

I hereby certify that on February 23, 2024, a true and correct copy of the foregoing Motion was sent via this court's electronic court filing system to:

David Nasar, AUSA
Reagan Reininger, AUSA

And all other ECF registrants appearing in this case. At this time, the defendant is unaware of any non-ECF registrants that are parties to this case.

s/ Clint James

Clint James